

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 6/17/13

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WENDELL L. JENKINS,

Plaintiff,

-against-

CAPTAIN CHRISTOPHER, et al.,

Defendants.  
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12 Civ. 3038 (PAC) (AJP)

**REPORT AND RECOMMENDATION**

**ANDREW J. PECK, United States Magistrate Judge:**

**To the Honorable Paul A. Crotty United States District Judge:**

On March 11, 2013, plaintiff was ordered to file a Second Amended Complaint by April 13, 2013. (3/11/13 Conf. Tr. at 9.) He has not done so. On May 16th, the Court directed plaintiff to "show cause by May 30, 2013 as to whether he intended to pursue this case" and further directed that if plaintiff did not respond, "I will recommend that this case be dismissed for failure to prosecute." (Dkt. No 17: 5/16/13 Order to Show Cause.) Plaintiff has not responded to that Order.

Accordingly, the Court should dismiss this action for plaintiff's failure to prosecute and failure to obey Court orders.


**FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections (and any responses to objections) shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Paul A. Crotty, 500 Pearl Street, Room 735, and to my chambers, 500 Pearl Street, Room 1370.

Any requests for an extension of time for filing objections must be directed to Judge Crotty (with a courtesy copy to my chambers). Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985); Ingram v. Herrick, 475 F. App'x 793, 793 (2d Cir. 2012); IUE AFL-CIO Pension Fund v. Herrmann, 9 F.3d 1049, 1054 (2d Cir. 1993), cert. denied, 513 U.S. 822, 115 S. Ct. 86 (1994); Roldan v. Racette, 984 F.2d 85, 89 (2d Cir. 1993); Frank v. Johnson, 968 F.2d 298, 300 (2d Cir.), cert. denied, 506 U.S. 1038, 113 S. Ct. 825 (1992); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989); Wesolek v. Canadair Ltd., 838 F.2d 55, 57-59 (2d Cir. 1988); McCarthy v. Manson, 714 F.2d 234, 237-38 (2d Cir. 1983).

Dated: New York, New York  
June 17, 2013

Respectfully submitted,

  
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**Andrew J. Peck**  
United States Magistrate Judge

Copies to: Wendell L. Jenkins (mail)  
Alison Moe, Esq. (ECF)  
Judge Paul A. Crotty